

ARTICLE I Rules for Keeping Animals (§ 93-1 — § 93-14)

[NRO 1975, T. 7, §§ 1101 to 1113 (Secs. 5-1 to 5-30 of the 1987 Code)]

§ 93-1 Definitions.

[Amended 8-11-1998 by Ord. No. O-98-42; amended 8-12-2003 by Ord. No. O-03-91]

As used in this article, unless the context otherwise indicates, the following words shall have the meaning given in this section:

CAT

Any feline animal, male or female, sexed or neutered.

DOG

Any canine animal, male or female, sexed or neutered.

FERRET

Any European domestic ferret (*Mustela furo*), male or female, sexed or neutered.

OWNER

Any person owning, keeping or harboring any animal.

§ 93-2 Animals at large forbidden; penalty; impoundment.

[Amended 3-12-1985 by Ord. No. O-84-79]

A.

No sheep, swine, horses, mules, asses, oxen, cows or other cattle shall be permitted to go at large in any street, highway, lane, alley, common, square or other public place within the City.

B.

Any person permitting a violation of this section shall be punished as provided in section [1-9](#).

C.

Any person finding any such creature going at large may either impound and detain the same until penalty and cost of impounding shall be paid, or may make complaint against the person permitting such creature to go at large, and the penalty shall be imposed by the court having jurisdiction.

§ 93-3 Keeping and housing animals.

It shall be unlawful for any person, whether as owner, bailee, keeper or custodian, to keep and house any animal in any structure built or located within 45 feet of any building occupied by human beings in the City except upon special permission from the health officer of the board of health of the City. The location, construction, erection and sanitary condition of all such structures shall be made satisfactory to the health officer. Plans approved by the board of health shall be filed with the board before any such building shall hereafter be constructed, altered, extended or moved.

§ 93-4 Dog licensing and registration.

[Amended 12-26-1995 by Ord. No. O-95-148; 8-11-1998 by Ord. No. O-09-42]

All dogs kept, harbored or maintained by their owners in the City shall be licensed as provided in RSA 466. The license fee shall be that amount specified in RSA 466:4, plus \$1, as allowed by RSA 466:39.

§ 93-5 Dogs running at large.

[Amended 7-18-1977 by Ord. No. O-77-193; 8-11-1998 by Ord. No. O-98-42; 7-10-2007 by Ord. No. O-07-114]

It shall be unlawful for any dog to run at large. The term "at large" means off the premises of the owner or keeper, and not under leash or other physical restraint of the owner or a responsible person, or not within the confines of the fenced area of an off-leash dog park approved by the City of Nashua and animal control officer.

§ 93-6 Impoundment of dogs, cats and ferrets found at large.

[Amended 7-18-1977 by Ord. No. O-77-193; amended 11-26-1977 by Ord. No. O-77-273A; 5-1-1978 by Ord.

No. O-78-41; 7-12-1978 by Ord. No. O-78-60; 8-11-1998 by Ord. No. O-98-42]

A.

The Dog Officer or other authorized person shall take into custody and impound:

(1)

Any dog off the premises of its owner which the Dog Officer or other authorized person has reason to believe is a stray dog;

(2)

Any dog off the premises of the owner of the dog without a current registration tag on his collar; and

(3)

Any female dog in heat and off the premises of the owner.

B.

If any dog, cat, or ferret seized wears a collar or harness to which is attached a registration tag, or if the owner is otherwise known, the Dog Officer or other authorized person shall forthwith serve on the owner a notice in writing stating that the dog, cat, ferret has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the serving of notice. Notice may be served either by giving it to such person or by leaving it at the person's usual or last known place of abode, as determined by the registration tag or other available information.

C.

No dog, cat, or ferret shall be released or removed from confinement until the owner has provided proof that the dog, cat, or ferret is currently vaccinated against rabies, and all applicable license, board, and care fees have been paid. If the owner does not have proof that the dog, cat, or ferret is currently vaccinated against rabies, then the owner may post a \$25 cash bond with the Dog Officer or other authorized person to secure the release of the dog, cat, or ferret in order for the owner to obtain a rabies vaccination for the dog, cat, or ferret. If, within 72 hours of the dog, cat, or ferret's release the owner provides proof to the Dog Officer or other authorized person of obtaining a rabies vaccination for the dog, cat, or ferret, then the owner shall be refunded the full bond amount.

D.

When a seized dog, cat, or ferret has been detained for seven days after seizure, with due notice given as prescribed, and the owner has not claimed the dog, cat, or ferret, provided proof that the dog, cat, or ferret is currently vaccinated against rabies, procured a current license or exhibited evidence of a current license if necessary, and paid all applicable license, board, and care fees, the Dog Officer or other authorized person may cause the dog, cat, or ferret to be destroyed in the least painful manner possible.

E.

The Dog Officer or other authorized person may keep or cause to be kept in confinement any dog, cat, or ferret which, in that person's opinion, may be valuable or acceptable to new ownership, and see that such dog, cat, or ferret is placed in a new home. In order to expedite this alternative, the Dog Officer or other authorized person shall make available to the public, monthly, a list by number and other reference of dogs, cats, and ferrets available. Those persons desiring to procure said dogs, cats, or ferrets may do so by application to the Dog Officer or other authorized person and payment of applicable adoption and licensing fees.

F.

No dog, cat, or ferret which the Dog Officer or other authorized person has taken into custody for a second offense shall be released unless the person to whom the dog, cat, or ferret is released pays a penalty of \$25, as allowed by RSA 466:39, in addition to meeting all other requirements of this section. If said penalty is not paid within seven days after the dog, cat, or ferret is taken into custody, the dog, cat, or ferret may be destroyed in the least painful manner possible.

§ 93-7 Method of confinement.

The Mayor, with the assistance and cooperation of the Dog Officer, shall select a suitable place of confinement for impounded animals and those held under suspicion of rabies and after biting.

§ 93-8 Dog waste.

[Added 9-11-1996 by Ord. No. O-96-51]

A.

Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to immediately remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to immediately remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person, unless said private property owner or occupant agrees otherwise.

B.

Duty to possess means of removal/disposal. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog, unless said private property owner or occupier agrees otherwise. Disposal of such feces shall be in a manner consistent with all applicable laws.

C.

Enforcement/fines for violation. This section shall be enforced by the Nashua police department. Violation of this regulation shall be punished as provided in § [93-14](#) for each occurrence.

[Amended 2-26-2008 by Ord. No. O-08-07]

D.

Exemption. Compliance with this regulation is not required by any handicapped person who, by reason of his/her handicap is physically unable to comply with this section.

§ 93-9 Interference with Dog Officer.

[Amended 5-14-1996 by Ord. No. O-96-11]

No person shall hinder, interfere with or molest the Dog Officer or such other persons as may be appointed as agents in the performance of any duty enjoined by this article.

§ 93-10 Effect of state law.

[Amended 5-14-1996 by Ord. No. O-96-11]

It is the intention of the board of aldermen to include in this article not only those state statutes specifically referred to by title and number, but to embrace also all those others made a part of the law, and they are hereby included under this section by reference.

§ 93-11 Dog shelters; tethering.

[Amended 3-23-1999 by Ord. No. O-98-90]

A.

If a dog is tied or confined outdoors under weather conditions that could adversely affect the dog's health (wind, rain, wet ground, sleet, snow, hail, cold, or heat), its owner or keeper shall provide it with access to shelter adequate to protect it from possible injury.

B.

The owner or keeper of a chained or tethered dog shall provide it with a properly applied harness or buckle type collar and tether configured so as to protect it from possible injury. Any chain or tether shall be of sufficient length to allow the dog to be able to easily stand, sit, lie, or turn about.

§ 93-12 Copy of Dog Ordinances to be given with licenses.

[Added 3-23-1999 by Ord. No. O-98-90 ; amended 2-26-2008 by Ord. No. O-08-07]

A copy of the Nashua Dog Ordinances shall be given with each dog license issued.

§ 93-13 Noises from animals as a nuisance.

[Added 8-12-2003 by Ord. No. O-03-191]

A.

Noise from an animal which is sustained for periods of more than 30 minutes or which occurs between the hours of 10:00 p.m. and 6:00 a.m., which noise would annoy or disturb a person of normal sensibilities is found to be a

nuisance.

B.

The owner of any animal who fails, by appropriate action, to effectively abate such a nuisance after being requested to do so by any person, shall be guilty of a violation.

§ 93-14 Violations and penalties.

[Amended 5-14-1996 by Ord. No. O-96-11 ; 8-11-1998 by Ord. No. O-98-42 ; 3-23-1999 by Ord. No. O-98-90 ; 8-12-2003 by Ord. No. O-03-191]

Any owner found violating any provision of this article shall be guilty of a violation and upon conviction thereof shall be punished as provided in § [1-12](#) of the City Code, except that violation of an ordinance relating to dogs shall be punished by a fine of \$25.